

# PROCLAMATION

BY THE

## Governor of the State of Texas

### TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, THE Forty-First Legislature at its Fifth Called Session passed House Bill No. 158, being "AN ACT amending Chapter 12 of the Acts of the First Called Session of the 40th Legislature of the State of Texas of 1927 relating to the organization of the Fifty-first (51) Judicial District of the State of Texas; re-organizing the same; naming the counties constituting the same and fixing the terms of Court to be held in the several counties therein; amending Chapter 36 of the Acts of the Regular Session of the 39th Legislature of the State of Texas, relating to the organization of the Thirty-fifth (35) Judicial District of the State of Texas, re-organizing the same, naming the counties constituting the same and fixing the terms of Court to be held in the several counties therein; creating the One Hundred and Fifteenth (115) Judicial District of Texas, naming the counties constituting said District, fixing the terms for holding Court in the several counties therein, providing for the appointment of a Judge and a District Attorney for said One Hundred and Fifteenth (115) Judicial District, providing that the present Judge and District Attorney of the Fifty-first (51) Judicial District and the present Judge and District Attorney of the Thirty-fifth (35) Judicial District, shall continue to hold their offices during the term for which they were elected and until their successors are duly elected and qualified; giving the Judges in said Districts power and authority to transfer cases and equalize their dockets and prescribing the duties of the District Clerks in reference to filing cases; providing that the District Clerk of Tom Green County shall be clerk of the newly created One Hundred and Fifteenth (115) Judicial District in Tom Green County; that the District Clerk of Coleman County shall be clerk of the newly created One Hundred and Fifteenth (115) Judicial District in Coleman County; validating all process, writs, bonds and recognizances of every kind and character heretofore issued and entered into and all grand and petit jurors selected and drawn under existing laws in the various counties affected by this Act, prescribing the duties of the District Attorneys of said Districts, fixing their compensation and providing if any provision of this Act shall be held unconstitutional, such holding shall not affect the remaining provisions; and declaring an emergency"; and,

WHEREAS, said bill has been vetoed for the reasons set out in the following statement, which has been filed with said bill in the office of the Secretary of State:

House Bill No. 158, being "AN ACT amending Chapter 12 of the Acts of the First Called Session of the 40th Legislature of the State of Texas of 1927 relating to the organization of the Fifty-first (51) Judicial District of the State of Texas; reorganizing the same; naming the counties constituting the same and fixing the terms of Court to be held in the several counties therein; amending Chapter 36 of the Acts of the Regular Session of the 39th Legislature of the State of Texas, relating to the organization of the Thirty-fifth (35) Judicial District of the State of Texas, reorganizing the same, naming the counties constituting the same and fixing the terms of Court to be held in the several counties therein; creating the One Hundred and Fifteenth (115) Judicial District of Texas, naming the counties constituting said District, fixing the terms for holding Court in the several counties therein, providing for the appointment of a Judge and a District Attorney for said One Hundred and Fifteenth (115) Judicial District, providing that the present Judge and District Attorney of the Fifty-first (51) Judicial District and the present Judge and District Attorney of the Thirty-fifth (35) Judicial District, shall continue to hold their offices during the term for which they were elected and until their successors are duly elected and qualified; giving the Judges in said Districts power and authority to transfer cases and equalize their dockets and prescribing the duties of the District Clerks in reference to filing cases; providing that the District Clerk of Tom Green County shall be clerk of the newly created One Hundred and Fifteenth(115) Judicial District in Tom Green County; that the District Clerk of Coleman County shall be clerk of the newly created One Hundred and Fifteenth(115) Judicial District in Coleman County; validating all process, writs, bonds and recognizances of every kind and character heretofore issued and entered into and all grand and petit jurors selected and drawn under existing laws in the various counties affected by this Act, prescribing the duties of the District Attorneys of said Districts, fixing their compensation and providing if any provision of this Act shall be held unconstitutional, such holding shall not affect the remaining provisions; and declaring an emergency", is hereby vetoed.

Citizens of Tom Green County have protested the incorporation of Tom Green County as a part of this new district. Citizens of Coke County have likewise protested. While additional court facilities may be needed in Coleman, Brown, McCulloch and Runnels Counties, it is represented that additional court facilities are not needed in Coke and Tom Green Counties, and citizens of these counties have expressed objections to changing their existing arrangement of court facilities.

I have asked the Judge of the existing district as to whether in his judgment additional court facilities are needed to dispose of litigation pending in the District Court in Tom Green and Coke Counties. He answered that it is his judgment that the litigation in these counties can be disposed of by the present Court, and that the Fifty-first (51st) District does not need relief, but that the relief is needed in the Thirty-fifth (35th) District. He did not express any objection to the bill, but he did say that in his opinion the Tom Green and Coke County Courts did not need relief. If the present courts of these counties are sufficient to meet the needs of the citizenship then I am not going to join in the creation of another court for those counties.

My original thought was to approve this bill, but it was based upon a belief that the court was needed in both districts and that the desire for it was universal among the citizens of all counties.

I am convinced that we have more than enough district courts in this State at the present time to dispose of all of the litigation pending in our various district courts, if the Legislature would re-district the State to give added court facilities to the localities where a congested condition of the dockets retards the administration of justice. The Legislature has been loath to attempt a re-districting of the State because of local problems involved, such as the county of the Judges' residence and the adjustment of the terms of court. It has been the policy of the Legislature to adopt the easier and more expedient way of giving added court facilities, that is, to create an additional court in any locality where the amount of business is more than the existing courts can discharge. While this system is expedient and easier than re-districting the State, it is considerably more expensive.

The difficulty which this bill seeks to relieve is the crowded condition of the dockets in the Thirty-fifth Judicial District, composed of Runnels, Coleman, Brown, McCulloch and Concho Counties. It occurs to my mind that added court facilities could be given in this district by a bill re-organizing the Forty-second, One Hundred Fourth, Fifty-second, Twenty-sixth, and Thirty-third Judicial Districts, and that thereby the creation of a new judicial district could be obviated. This bill has considerable opposition in Tom Green and Coke Counties, where it is said that additional court facilities are not a necessity at this time.

For the reasons stated, this bill is hereby vetoed.

*Sam Moody*

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT I,  
DAN MOODY, Governor of the State of Texas, under and by virtue of the  
authority vested in me by the Constitution and laws of this State, have  
vetoed said bill for the reasons stated and on file, and do hereby pro-  
claim said action to have been taken.



IN TESTIMONY WHEREOF, I have here-  
unto signed my name officially and  
caused the seal of State to be im-  
pressed hereon at Austin, Texas,  
this the 9<sup>th</sup> day of April,  
A. D. 1930.

BY THE GOVERNOR:

Paul G. McCallum  
Secretary of State

Dan Moody  
GOVERNOR OF TEXAS